IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.8295 OF 2004

Solapur Social Association College of Education ...Petitioner

Vs.

The Assistnat Provident Fund Commissioner and Anr. ...Respondents

....

Mr.S.S.Shah for Petitioner
Mr.M.S.Karnik for Respondent no.1
Respondent no.2 served

....

CORAM : B.H.MARLAPALLE,J.

DATE : JANUARY 24,2005

P.C.:

1. This petition impugns the order passed by the Assistant Provident Fund Commissioner-SRO at Solapur on 26th August, 2004 levying damages for delayed payments of provident fund contribution under Section 14 B of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. Admittedly, the said order has also been challenged by filing an appeal under Section 7 I of the said Act. It is now informed that the learned Presiding Officer of the Tribunal has resumed charge and therefore, the said appeal as well as the application for stay filed therein, could be heard and decided by the Tribunal.

2. While issuing notice, this Court had granted

ad-interim stay subject to the conditions of deposit of Rs.3,50,000/-. The same has been deposited by the Petitioner with the registry of this Court.

3. As the appellate forum has already started functioning, this petition need not be entertained. However, ad-interim relief granted by this Court on 7th October, 2004 will operate till the Tribunal decides the prayer for stay in the pending appeal and the amount deposited with the Registry of this Court will be allowed to be withdrawn by the Respondent no.1 and undoubtedly the said amount shall be adjustable against the dues payable by the petitioner.

4. Petition disposed of in terms of the above directions.

Certified copy expedited.

[B.H.MARLAPALLE,J.]